

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Cheryl A. Dandridge,	:	Case No. 10-cv-00864
Plaintiff,	:	Judge Graham
vs.	:	Magistrate Norah King
Abbott Laboratories, Inc., et al.,	:	
Defendants.	:	

**ORDER GRANTING PLAINTIFF CHERYL A. DANDRIDGE'S
MOTION TO DISMISS WITH PREJUDICE**

This matter is before the Court on Plaintiff Cheryl A. Dandridge's motion to dismiss her claims with prejudice. Defendants do not oppose plaintiff's motion, but instead ask that the court grant the motion.

Under Fed. R. Civ. P. 41(a)(2), the court may dismiss an action at plaintiff's request "on terms that the court considers proper." Whether to grant the dismissal under Rule 41(a)(2) is within the sound discretion of the district court. Grover by Grover v. Eli Lilly and Co., 33 F.3d 716, 718 (6th Cir. 1994). Courts should consider whether dismissal would prejudice a defendant. See id. (factors include "the defendant's effort and expense of preparation for trial, excessive delay and lack of diligence on the part of the plaintiff in prosecuting the action, insufficient explanation for the need to take a dismissal, and whether a motion for summary judgment has been filed by the defendant").

Because none of the defendants object to dismissal, and because none of the defendants have filed counterclaims against plaintiff or filed any motions for summary judgment, plaintiff's motion to dismiss her claims with prejudice (doc. 33) is GRANTED.

IT IS SO ORDERED.

s/ James L. Graham
JAMES L. GRAHAM
United States District Judge

Date: June 29, 2011